

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
DIVISION OF MEDICAL QUALITY ASSURANCE

1981 1119 011 037

CONSENT ORDER

IN THE MATTER OF
MARILYN SMITH, L.P.N.

WHEREAS, Marilyn Smith, L.P.N., of 78 Booth Street, Stratford, Connecticut 06497, has been issued license No. 008756 to practice as a nurse by the Department of Health Services pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and

WHEREAS, for the purpose of this proceeding and proceedings before the Department of Health Services, Marilyn Smith, L.P.N. hereby admits:

1. That during August, September and October of 1981 while employed as a nurse at Bridgeport Hospital she diverted to her own use the controlled substances Demerol and Morphine.
2. That at present and for the foreseeable future she suffers from a chronic osteomyelitis of the left knee that renders her incapable of practicing nursing.
3. That the facts admitted in 1 above constitute a violation of §20-99b of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99 of the General Statutes of Connecticut, as amended, Marilyn Smith, L.P.N., hereby stipulates and agrees to the following:

1. That she waives her right to a hearing on the merits of this matter.

2. That her license, No. 008756, to practice as a nurse in the State of Connecticut, is suspended for 2 years, effective the first day of the next month after the signature of the last person to sign this consent order.
3. That while under said suspension she shall engage in counselling, at her own expense, with a licensed therapist with a frequency of not less than once a month; and said therapist shall furnish to the Board of Examiners for Nursing, not later than the 5th (fifth) day of every month of said suspension period, a statement that she is free from substance abuse.
4. That, as a condition precedent to the reinstatement of her license, she shall provide supportive evidence indicating she has been drug free for the period of said suspension; said evidence must include documentation from a licensed therapist indicating the dates of treatment and an evaluation of her progress, and must contain a summary current to within one month of the application for reinstatement.
5. That, as a condition precedent to the reinstatement of her license, she shall meet the requirements for licensing at that time.
6. That, as a condition precedent to the reinstatement of her license, she shall provide supportive evidence that she is physically able to practice Nursing; said evidence shall include but not be limited to an evaluation of her chronic knee condition by a physician specializing in orthopedic medicine.
7. That this Consent Order may be considered as evidence of the admitted violations in any proceeding before the Board of

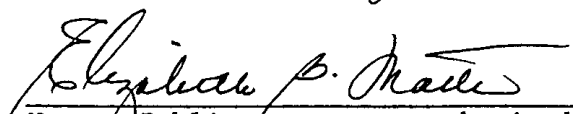
Examiners for Nursing in which her compliance with this order or violation of §20-99(b) is at issue.

8. That she understands that notice of this Consent Order will be disseminated to the licensing bodies in other states.
9. That this suspension and the terms and conditions hereof are not subject to reconsideration, collateral attack, or judicial review under any form or in any forum. Further, that said order is not subject to appeal under the provisions of Chapters 54 or 378 of the General Statutes of Connecticut, provided that this stipulation shall not deprive her of any other rights that she may have under the laws of the State of Connecticut or of the United States.
10. That she has the right to consult with her attorney prior to signing this document.

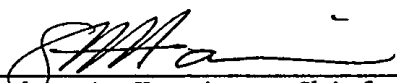
I, Marilyn Smith, L.P.N., hereby affix my signature, agreeing and admitting to the above, and declare this agreement to be an act performed of my own free will.


Marilyn Smith, L.P.N.

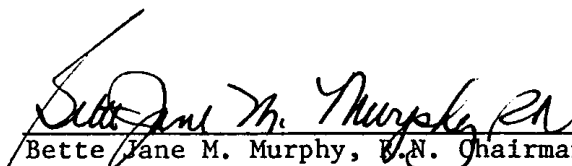
Subscribed and sworn to before me this 1st day of August 1984.


Notary Public or person authorized
by law to administer an oath or
affirmation.

The above consent order having been presented to the duly appointed agent of the Commission of Health Services on the 13th day of August 1984, it is hereby accepted.


Stephen A. Harriman, Chief
Bureau of Health System Regulation

The above consent order having been presented to the duly appointed agent of the Board of Examiners for Nursing on the 20th day of September 1984, it is hereby ordered and accepted.


Bette Jane M. Murphy, R.N. Chairman
Board of Examiners for Nursing